

Proposed Rules
of
Tennessee Department of Health
Office of Policy, Planning and Assessment
Tennessee Cancer Registry

Chapter 1200-07-02
Cancer Reporting System

Presented herein are proposed amendments of the Tennessee Department of Health submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. These amendments are being promulgated to address deficiencies in the Tennessee Department of Health rules to bring them into compliance with Public Law 102-515 and its amendment, Public Law 107-260. It is the intent of the Tennessee Department of Health to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Office of Cancer Surveillance of the Tennessee Department of Health located at Cordell Hull Building, 6th Floor, 425 5th Avenue North, Nashville, Tennessee 37243, and in the Administrative Procedures Division of the Department of State located at Snodgrass Building, 8th Floor, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, ADA Coordinator, to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at Tina Francis, ADA Coordinator, Andrew Jackson Tower, 11th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243, telephone (615) 741-6350.

For a copy of this notice of proposed rules, contact: Martin Whiteside at the Tennessee Cancer Registry by mail at 425 5th Avenue North, Cordell Hull Building, 6th Floor, Nashville, Tennessee 37243 or by telephone at (615) 532-7903.

Amendments

Rule 1200-07-02-.03 Definitions Paragraph (1) is amended by deleting subparagraphs (d) and (e) and substituting instead the following language, and by adding a new subparagraph (f), so that subparagraphs (d), (e) and (f) shall read as follows:

- (d) malignant neoplasm;
- (e) in-situ cancer; and
- (f) brain-related tumor.

Rule 1200-07-02-.03 Definitions is further amended by adding a new Paragraph (2) and renumbering the existing Paragraphs (2) through (13) to become Paragraphs (3) through (14). The new paragraph (2) shall read

- (2) Brain-related tumor means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:
 - (a) the brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.
 - (b) the pituitary gland, pineal gland or craniopharyngeal duct.

Authority: T.C.A. §§ 4-5-202 and 68-1-1001 et seq.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of August, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of December, 2007. (FS 08-18-07; DBID 2659)

Addendum

Regulatory Flexibility Act Analysis of Impact on Small Businesses

The Office of Policy, Planning and Assessment, Tennessee Cancer Registry must, pursuant to the Regulatory Flexibility Act, Public Chapter No. 464, consider whether the proposed amendment to the rule is such that it will have an economic impact on small businesses (businesses with 50 or fewer full time employees). The proposed amendment is for the purpose of amending Chapter 1200-7-2, Cancer Reporting System Rule 1200-7-2-.03 Definitions Paragraph (1) by deleting subparagraphs (d) and (e) and substituting instead the following language:

- (d) malignant neoplasm;
- (e) in-situ cancer; and
- (f) brain-related tumor.

This amendment is necessary so as to define the term "brain-related tumors" as required by the Federal Health Services Act, PL 107-260 and to ensure the continued receipt of federal grant funds. Therefore, it is the intent of the Tennessee Department of Health to promulgate this proposed amendment to the rule without rulemaking hearing unless a petition requesting such is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published.

As required by the Regulatory Flexibility Act, the Tennessee Department of Health conducted an analysis based on the criteria set forth in Public Chapter No. 464 to determine the economic affect, if any; the proposed amendment to the rule would have on small businesses. Given that the sole purpose of the amendment is to bring the State of Tennessee into compliance with federal law and regulations as explained above, the outcome of the analysis is as follows

- (1) The proposed amendment does not overlap, duplicate, or conflict with other federal, state, and local governmental rules; and
- (2) The language of the proposed amendment is clear, concise, and lacks ambiguity; and
- (3) The amendment does not affect any established reporting requirements for small businesses; and (points of analysis 4, 5, 6, are not applicable to this rule amendment)

- (4) That the amendment establishes friendly schedules or deadlines for compliance and/or reporting requirements for small businesses; and
- (5) That they consolidate or simplify compliance or reporting requirements for small businesses; and
- (6) That they establish performance standards for small businesses as opposed to design or operational standards; and
- (7) The amendment does not create unnecessary entry barriers or other effects that stifle entrepreneurial activity since the proposed amendment is for the sole purpose of ensuring compliance with federal law so as to ensure the continued receipt of federal funds.
- (8) Pursuant to Public Chapter No. 464, Section 6, this part shall not apply to rules that are adopted on an emergency or public necessity basis under title, Chapter 5, Part 2, that are federally mandated, or that substantially codify existing state or federal law. A rule of public necessity, Chapter 1200-7-2 was filed in this matter on August 3, 2007, effective through January 15, 2008. The foregoing amendments are necessary to carry out the mandate of federal law pursuant to the Federal Health Services Act, PL 107-260, a copy of which is attached.